

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM H. YELLAND,

Plaintiff

v.

**ABINGTON HEIGHTS SCHOOL
DISTRICT, *et al.*,**

Defendants

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**CIVIL ACTION NO. 3:16-2080

(JUDGE MANNION)**

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT** the defendants' motion to dismiss, (Doc. [6](#)), plaintiff's complaint, (Doc. [1](#)), is **GRANTED IN PART** and **DENIED IN PART**. Defendants' motion to dismiss is **GRANTED** with respect to defendant AHSD Board of Directors who are **DISMISSED WITH PREJUDICE**. Defendants' motion to dismiss all of plaintiff's claims against Mahon, Elia and Antonetti, including his claim for punitive damages, in their official capacities is **GRANTED** and all of these claims are **DISMISSED WITH PREJUDICE**. Defendants' motion to dismiss is **GRANTED** with respect to plaintiff's 14th Amendment post-deprivation procedural due process claim contained in Count II of his complaint and this claim is **DISMISSED**. Defendants' motion to dismiss plaintiff's 14th Amendment pre-deprivation procedural due process claim contained in Count I of his complaint is **DENIED** and this claim is **PERMITTED TO PROCEED** against AHSD and, against Mahon, Elia and Antonetti in their individual capacities. Plaintiff's claim for punitive damages

against Mahon, Elia and Antonetti in their individual capacities is **PERMITTED TO PROCEED**. Defendants' motion to dismiss plaintiff's state law malicious prosecution claim contained in Count III of his complaint is **DENIED** and, this claim against Mahon, Elia and Antonetti is **PERMITTED TO PROCEED**.

Finally, defendants AHSD, Mahon, Elia and Antonetti are directed to file their answer(s) to the remaining claims of plaintiff's complaint within **fourteen (14) days** of the date of the court's order.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: February 9, 2017

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